

SCHUTZ

LITIGATION

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Donald J. Schutz
Attorney at Law
Florida, California,
New York, District of Columbia

September 23, 2021

Leonice Stewart
US EPA
FCB-Collections Team
1200 Pennsylvania Avenue NW (MC2733 R)
Washington DC 20460
Via Email Only stewart.leonice@epa.gov

Re: David A. Zeckman
Bill No. 21P236
Acct. # 2021 BYAA 000yF2

Dear Ms. Stewart:

I write to advise you that I will be representing David A. Zeckman in the above referenced "Bill for Collection," a copy of which is attached as Exhibit A) (the "Bill for Collection") served by you on behalf of the United States Environmental Protection Agency ("Agency" or "EPA") on Mr. Zeckman. The date of the Bill of Collection is 9/15/2021. This letter is served within 30 days of receipt and is therefore timely.

Demand is hereby made upon the Agency as follows:

1. The Agency's service of this Bill of Collection appears to fall under the ambit of 31 U.S.C. Chapter 37, entitled, "Claims." Pursuant to 31 U.S.C. § 3701, "the term "claim" or "debt" means any amount of funds or property that has been determined by an appropriate official of the Federal Government to be owed to the United States by a person . . ."

Please identify the name, position, and address of each appropriate official of the Federal Government who determined that Mr. Zeckman owes the amount of money set forth in the Bill of Collection.

2. The Bill of Collection states that Mr. Zeckman “received an improper step increase. The error was discovered . . .” Please identify the name, position, and address of each appropriate official of the Federal Government who determined:
 - a. That Mr. Zeckman received an “improper step increase” and
 - b. That this was an “error.”
3. Without conceding that the Bill of Collection is valid, or that the terms of the Bill of Collection are applicable to Mr. Zeckman, to the extent that such terms are applicable, request and demand is made as follows:
 - a. Demand is made to inspect and copy the records relating to the debt.
 - b. Mr. Zeckman disputes the validity and amount of the Bill of Collection and demands a hearing. This hearing is demanded as a predeprivation hearing under the due process clause of the Fifth Amendment to the United States Constitution, as well as any statutory or regulatory authority cited in the Bill of Collection including but not limited to 5 C.F.R. § 550.11104 (e) and 40 C.F.R. § 13.22 (d).
 - c. Mr. Zeckman requests a waiver of claim for purported “salary overpayment” under 5 U.S.C. § 5584 and 40 C.F.R. § 13.22 (g).
4. To be clear, since Mr. Zeckman has now separated from the Agency, Mr. Zeckman’s position is that the Agency will have to file a lawsuit against him in civil court. Mr. Zeckman is not currently under the jurisdiction of the Agency and the Agency has no administrative jurisdiction to issue the Bill of Collection for a post-employment Agency contract dispute.

DEMAND TO WITHDRAW BILL OF COLLECTION

In addition to the above, Mr. Zeckman, through undersigned counsel, hereby demands that the Agency immediately withdraw the Bill of Collection. Should any collection action be taken in this matter, including any collection action that becomes public, Mr. Zeckman intends to pursue any available remedies including remedies for slander of credit and recovery of legal fees and costs.

As I am sure you are aware, the payment Mr. Zeckman received was due to a deliberate step increase and was not an “error” as stated in the Notice of Collection. As set forth in the attached Notification of Personnel Action, Mr. Zeckman was moved from the position of Assoc. Deputy Assistant for Admin for OMS to Deputy Assistant Admin for OMS and receive a step increase from Grade 15 Level 02 to Grade 15 Level 06 (the “Step Increase”). This was approved by Jeremy A. Taylor, Human Resources Officer and was approved by Amanda Gunsekara, Chief of Staff, and Andrew R. Wheeler, Administrator, attached.

Accordingly, contrary to the assertions by the Agency in the Bill of Collection, the money paid to Mr. Zeckman was not “improper,” or an “error,” but instead, the Step Increase was a deliberate and intended action by individuals authorized to consider the

award of step increases. If what the Agency is now claiming is that the individuals authorizing the Step Increase were not so authorized, that does not make the payments to Mr. Zeckman either improper, erroneous, or subject to recoupment. What the Agency is now doing is attempting to retroactively revoke the Step Increase. Further, the Agency has taken this action without notice or hearing in violation of Mr. Zeckman's due process rights under the Fifth Amendment to the United States Constitution. The Agency cannot simply declare the amount due and send out the Bill of Collection. The Agency has no continuing jurisdiction over Mr. Zeckman after his separation. The Agency will have to sue Mr. Zeckman to rescind the Step Increase and seek damages. The Bill of Collection improperly claims an amount due. A Bill of Collection has to be a "claim" as defined above in 31 U.S.C. § 3701 as an amount "owed," *id.*, and:

[T]he plain and ordinary meaning of "owing" is "due to be paid." See Owing, MERRIAM-WEBSTER (defining "owing" as "due to be paid" and supplying "outstanding," "overdue," "owed," "payable," "unpaid," and "unsettled" as synonyms). Tying everything together: a "debt" can constitute the amount due to be paid because of an assessment, an order of restitution (including restitution owed to individuals arising out of criminal cases), or another source of indebtedness to the United States. *United States v. Pioch*, No. 19-3919, 2021 U.S. App. LEXIS 21269, at *6 (6th Cir. July 19, 2021).

There is no amount currently "owing" because the Agency has no legal authority to unilaterally retroactively revoke the Step Increase. The Agency is not claiming that Mr. Zeckman made an error, or that Mr. Zeckman knew of any error. The Agency is therefore not relieved of any purported unilateral mistake or lack of authority of the Agency through Mr. Zeckman's superiors in entering the employment agreement with Mr. Zeckman at the Grade 15 Level 06 pay level, see generally, *Shoels v. Klebold*, 375 F.3d 1054, 1068 (10th Cir. 2004) ("unilateral mistake to void a contract . . . does not allow relief when doing so would frustrate the legitimate contract-based expectations of innocent parties.")

As you are well aware, Mr. Zeckman is not currently employed by the Agency. Accordingly, even if the Agency could now revoke the Step Increase, there is no legal basis to retroactively revoke the Step Increase because Mr. Zeckman performed services under the Step Increase, see generally *Robb v. State Farm Mut. Auto. Ins. Co.*, No. CV 06-15-M-JCL, 2006 U.S. Dist. LEXIS 84250, at *3 (D. Mont. Nov. 15, 2006) (rescission cannot be applied retroactively, "where it would defeat a vested claim by an innocent third party" [applying Montana law]). From the date of the step increase, Mr. Zeckman performed services under the express representations of the Agency that he would be compensated at Grade 15 Level 06. Mr. Zeckman was legally entitled to be paid per the Step Increase unless and until the Step Increase was rescinded and revoked, and that never occurred before his separation from the Agency. Accordingly, the Agency's belated claim that it can retroactively revoke a deliberately granted Step Increase and demand recoupment of money paid pursuant to the Step Increase is frivolous.

In conclusion, the Bill of Collection is an ill-conceived effort without legal authority or jurisdiction to retroactively revoke a Step Increase without notice and

hearing to Mr. Zeckman. There is no legal basis for the Agency's action. Please understand that we intend to litigate this and we will be seeking attorney's fees and any other available remedies should the Agency continue with this frivolous demand.

Thank you for your consideration in the foregoing.

Sincerely,
/s/Donald J. Schutz
Donald J. Schutz, Esq.

BILL FOR COLLECTION	BILL NO. 21P236
BUREAU/OFFICE FOR REMITTANCE PAYABLE U.S. ENVIRONMENTAL PROTECTION AGENCY WASHINGTON HEADQUARTERS	DATE 09/15/21
ADDRESS US EPA FCB – COLLECTIONS TEAM 1200 PENNSYLVANIA AVE, NW (MC 2733R) WASHINGTON, DC 20460	AMOUNT OF PAYMENT \$8,245.84

PAYER

Mr. David A. Zeckman
2670 Pine Tree Rd
Spring Grove, PA 17362-8333

SSN: 041-82-7727

ACCT. # 20 21 B YAA 000YF2

DESCRIPTION	AMOUNT
<p>Our records indicate that you received an improper step increase. This error was discovered after you separated from the Agency on January 20, 2021. Your overpayment was the result of erroneously receiving a four-step increase from a GS-15, Step 2 to a GS-15, Step 6. The error was for twelve pay periods between August 16, 2020 and January 20, 2021. The amount of your overpayment totaled \$8,245.84. This overpayment represents indebtedness by you to the Agency.</p> <p>According to the Agency debt collection procedures and to avoid additional charges, payment must be received within 30 days from the bill date. If payment is not received, interest will accrue on the amount due at 1% per annum through the date of payment. A late payment handling charge of \$15.00 will be imposed after 30 days with an additional charge of \$15.00 for each subsequent 30-day period. A 6% per annum penalty will be applied on any amount not paid within 90 days of the due date.</p> <p>Due to Covid-19 we cannot accept payments mailed into the office. All payments are done via pay.gov. To make a payment please see the EPA Payment Agreement form.</p> <p>You may request the following regarding your debt:</p> <ul style="list-style-type: none"> • To inspect and copy the records relating to the debt. • To dispute the validity or amount of the debt by requesting a hearing pursuant to the salary offset provisions at 5 CFR § 550.1104(e), and 40 CFR § 13.22(d). • To enter into a written agreement for a repayment schedule subject to approval by the Fees and Collection Branch. • To request a waiver of claim for salary overpayment under 5 USC § 5584 and 40 CFR § 13.22(g). <p>If you have any questions or wish to pursue a course of action as stated above, you must notify Leonice Stewart via e-mail (stewart.leonice@epa.gov) within 30 days from the date of this notice.</p>	\$8,245.84
IMPORTANT: A receipt will be issued for all cash remittances and for all other remittances when required by applicable procedures. Failure to receive a receipt for cash payment should be promptly reported to the bureau/office shown above.	AMOUNT DUE \$8,245.84

EPA Form 2505-4 (9-73) REPLACES FORM D1-1040 WHICH IS OBSOLETE.

EPA PAYMENT AGREEMENT FORM

Please indicate your intention to pay the debt by checking the appropriate space below.

____ 1. I elect to pay the full amount of my debt by using Pay.gov. See next page for instructions on how to use pay.gov.

____ 2. I elect to enter into a payment agreement with the Agency. (Note: policy states that when the agreement starts, the debt must be paid in full within **3 years** and the minimum amount required per month is \$25.00, where the debt amount is \$900.00 or less.)

Please return this signed and dated document to: **stewart.leonice@epa.gov**

Type/Print Name: _____

Agency: ENVIRONMENTAL PROTECTION AGENCY

Bill Number: _____

Signature: _____

Date: _____



PRESIDENTIAL PERSONNEL PROMOTION FORM

Appointee name:	David Zeckman		
Agency:	U.S. Environmental Protection Agency		
Office:	Office of Mission Support		
Current Title:	Associate Deputy Assistant Administrator	Proposed Title:	
Current Salary:	\$147,458.00	Proposed Salary:	

Appointee Portion (Complete this portion first)

1. What have you done to advance the President's agenda at your agency? Please be specific.

To advance the President's agenda, I have focused on efficiencies and effectiveness and IT modernization of the agency by doing the following:

- focus on reorganizations to realigning redundant positions and functions which allows the agency to reduce its real property footprint and overhead expenses.
- focus on streamlining and modernizing the agency's Master Collective Bargaining Agreements to incorporate the goals of the Administration in Executive Orders 13836, 13837, and 13839.
- working with our CIO and IT staff to identify redundant IT systems which provide similar functions. Once these systems are identified we work with our national program managers and our ten regions to determine the best IT system to use agency wide. This allows the agency to recognize cost avoidance, simplifies the operation and maintenance of the system, and simplifies user training.

2. What specific steps have you taken to excel in your role and improve agency operations?

I pride myself on constantly improving myself, I do this by trying to learn something new every day and focus on establishing and maintaining excellent working relationships with both internal and external partners. I have focused on leveraging my experience in both the private and public sector, including all levels of management, from positions such as bureau chief to senior leadership, to coordinate with both career and political leadership to identify and implement efficiencies around the agency. For example, within EPA I've been working with our CIO and IT staff to identify redundant IT systems which provide similar functions. Once these systems are identified we work with our national program managers and our ten regions to determine the best IT system to use agency wide. This allows the agency to recognize cost avoidance, simplifies the operation and maintenance of the system, and simplifies user training.

3. How long has it been since your last raise? If less than 12 months, please justify.

N/A

I verify that the information on this form is accurate.

Appointee Signature

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
HUMAN RESOURCES SHARED SERVICE CENTER**

Position Description Coversheet (Please read instructions on back)



1. Position No. EPGS20047		2. Incumbency Allocation Only? May not be IA'ed	
3. Reason for Submission Other	4. Employing Office Location Washington, D.C.	5. Duty Station Washington, DC	6. BUS Code 8888
Explanation (Show any positions replaced)	7. Fair Labor Standards Act Exempt-Executive	8. Financial Statements Required OGE-278 Required	9. Cybersecurity Code a. 000 b. c.
	10. Position Status Excepted (Sched. C)	11. Supervisory Status Code 4-Supervisor, does not meets GSSG	
	12. Competitive Level Code	13. Competitive Area	14. Drug Testing No
	15. Extramural %	16. Functional Class Code N/A	17. Medical Monitoring
	18. Position Sensitivity Non-Sensitive	19. Security Clearance Not Required	20. Position Risk High Risk
	21. Emergency Essential	22. Developmental Position No	23. Full Performance Level GS-15

24. Position Classification	Official Title of Position	Pay Plan	Occupational Code	Grade
a. Official Allocation	Deputy Assistant Administrator for the Office of Mission Support	GS	0340	15

25. Organizational Title of Position (if different from official title)	26. Name of Employee (if vacant, state such) David Zeckman
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27. Department, Agency, or Establishment Hierarchy	
a. 1st Tier Org Code U.S.	1st Tier Org Description Environmental Protection Agency
b. 2nd Tier Org Code H0000000	2nd Tier Org Description Office of Mission Support
c. 3rd Tier Org Code	3rd Tier Org Description
d. 4th Tier Org Code	4th Tier Org Description
e. 5th Tier Org Code	5th Tier Org Description

28. Supervisory Certification: I certify that this is an accurate statement of the major duties and responsibilities of this position and its organizational relationships. The position is necessary to carry out Governmental functions for which I am responsible. This certification is made with knowledge that this information is to be used for statutory purposes relating to appointment and payment of public funds, and that false or misleading statements may constitute violations of such statutes or their implementing regulations.

a. Typed Name and Title of Immediate Supervisor Amanda Gunasekara, Chief of Staff		b. Typed Name and Title of Higher-Level Supervisor or Manager Andrew R. Wheeler, Administrator	
Signature 	Date 5.29.20	Signature 	Date 5.29.20

29. Classification/Job Grading Certification: I certify that this position has been classified/graded as required by Title 5, U.S. Code, in conformance with standards published by the U. S. Office of Personnel Management or, if no published standards apply directly, consistently with the most applicable published standard.

a. Typed Name and Title of Official Classifying the Position Barbara Dangler, HR Specialist		30. Position Classification Standards Used in Classifying/Grading Position OPM Handbook of Occupational Groups and Families; GSSG HRCD-5, 6/98, 4/98
Signature	Date 8/11/20	

31. Remarks
20 1739030

NOTE: DO NOT print this form. Printing will disable the electronic signature features. This form will not be accepted if it is printed and scanned.

**Deputy Assistant Administrator
for the Office of Mission Support
GS-0340-15**

Introduction

This position is located in the immediate office of the Office of Mission Support. The Deputy Assistant Administrator (DAA) for the Office of Missions Support (OMS) serves under the direction of the Assistant Administrator (AA) for the Office of Mission Support.

The proposed incumbent of the position, requested for Schedule C, exception will not be able to adequately perform their duties without being privy to the political, personal, and management philosophies of the Assistant Administrator. A confidential relationship of a Schedule C nature is imperative since the incumbent will speak for the Assistant Administrator and, as such, will be expected to reflect their supervisor's philosophies in conversations with leading figures of the government, business and other groups. The incumbent will also be obliged to present the views of the Assistant Administrator in correspondence and other communications with Agency managers and program officials.

Major Duties and Responsibilities

1. Serves as the alter ego of the Assistant Administrator for the Office of Mission Support, sharing fully in the responsibilities of managing the Office of Missions Support in coordination with the career SES management positions, including the Principal Deputy Assistant Administrator (PDAA) for Mission Support, the Deputy Assistant Administrator for Administration and Resources Management and the Deputy Assistant Administrator for Environmental Information. Works under the direction of the AA in the planning, coordination and overall direction of OMS program activities on an organization wide basis.
2. The Deputy Assistant Administrator for OMS will provide advice, guidance and technical direction for improving the organization's management structure and make recommendations to the Office of Mission Support senior management, including the Assistant Administrator, the Principal Deputy Assistant Administrator, and the Deputy Assistant Administrators, on the need for changes in organization, methods, procedures, and policies in relation to program objectives and management programs.
3. As a trusted authority on management practices, the DAA advises the Assistant Administrator for OMS on a variety of topics including overall program goals, objectives, policies, strategies and managerial approaches. Additional topics the incumbent advises on may include OMS budget formulation, preparation, justification and execution, financial management, work year controls, human resources management, acquisition activities (contracts), grants management, and management and protection of EPA's

facilities and other critical assets nationwide. In coordination with the OMS top management, including the Principal Deputy Assistant Administrator, and the Deputy Assistant Administrators, the incumbent shall coordinate the development and application of OMS policies.

4. Performs complex trend analysis of existing management and administrative systems to identify trends and developments which appear to significantly influence long-range organizational plans. When making recommendations based on their analysis, the incumbent considers the broad impact of organizational plans, as well as organizational goals and mission objectives. These recommendations improve efficiency and organizational management. In coordination with the OMS top management, including the Principal Deputy Assistant Administrator, and the Deputy Assistant Administrators, the incumbent directs actions concerning emerging problems of national significance.
5. Represents the Agency, the AA and/or OMS on various task force, panel and/or committee meetings both internal and external to the Agency. Contacts typically have diverse viewpoints, goals, or objectives requiring the employee to achieve a common understanding of the problem and a satisfactory solution by convincing them, arriving at a compromise, or developing suitable alternatives.
6. Promotes collaborative efforts across EPA organizations and serves as a point of contact for programs to institutionalize strong partnerships in the areas of diversity and inclusion.
7. Undertakes assignments on projects of special concern to the Assistant Administrator. These assignments are usually broad-based, of an Agency-wide nature, and often involve relationships with external stakeholders. Establishes contacts at the highest levels and develops a strong network of external and internal peers in order to develop information, evaluate findings, provide consultative feedback and prepare reports incorporating conclusions and specific recommendations. The incumbent often justifies, defends, negotiates, or settles matters involving significant or controversial matters including recommendations affecting major programs. The incumbent has responsibility to influence managers or other officials to accept and implement findings and recommendations despite contacts often having conflicting objectives and limitations to available resources. Provides information to the Assistant Administrator through personal briefings.
8. Assures that division personnel are appropriately employed, effectively and efficiently utilized, and dealt with in a fair and equitable manner. This involves acquiring staff with the necessary knowledge, skills, abilities, and/or potential through appropriate workforce planning, recruitment, and selection processes; delegating work among subordinate groups and individuals; establishing performance standards, appraising staff against these standards, and taking appropriate actions; assessing individual capabilities and needs and providing coaching, counseling and career development opportunities; and dealing with

employee relations matters, including resolving conflicts, attending to morale and organization climate issues, handling labor-management and EEO issues, and taking disciplinary actions.

9. Performs other related executive duties as assigned.

Factor Levels

Factor 1 - Knowledge Required by the Position

Level 1-8; 1550 pts.

Mastery of program and organizational analysis principles, methods, practices techniques, and analytical methods. Skill in applying this mastery in developing new methods and approaches in planning, integrating and evaluating programs for the Agency. Knowledge and skill to advise personnel inside and outside the Agency, as well as senior leadership and decision-makers, on issues of developing, communicating, or enhancing program matters involving interaction with all of the Agency's public, both nationally and internationally.

Knowledge and skill in applying management and executive concepts and principles sufficient to direct or assist the AA, PDAA, and DAAs in managing or directing, OMS programs.

Mastery of advanced management and organizational principles and practices along with a comprehensive knowledge of strategic planning, organizational design and analysis sufficient to perform long-range and short-range program planning and strategy development, and recommend implementation strategies which cut across all programs of OMS and have potential wide-ranging impact on program functions, personnel, facilities and budget. Ability to plan and manage multiple high-level and high-stakes projects with short deadlines; sets priorities.

Comprehensive knowledge of laws, regulations, policies, and issues; EPA's and OMS' mission, program responsibilities and the current status or decisions and policies; sequence of timing of key program events and milestones; and specialized terminology applicable to the work sufficient to develop recommendations, objectives or programs to address the most urgent needs of the AA; and discuss and explain controversial aspects of policy with the AA and OMS management.

In-depth knowledge of relationships with other governmental and non-governmental entities and public and private institutions; ability to target data for historical research related to OMS operations and relationships with outside parties; and analyze data collected.

Ability to perform policy analysis; knowledge of methods of evaluating the worth of program accomplishments; and ability to recommend action for improvement in the effectiveness of relationships between OMS/Agency mandates and goals of stakeholders sufficient to develop, extend or modify the purpose, function or direction of national level programs. Skill in written communication sufficient to organize and summarize large amounts of information; and write quickly and clearly on technical issues for both technical and nontechnical audiences.

Skill in oral communication sufficient to make presentations to senior leadership, and represent OMS in public fora.

Factor 2 - Supervisory Controls

Level 2-5; 650 pts.

Incumbent is a recognized authority in the analysis and evaluation of programs and issues and is subject only to administrative and policy direction concerning overall project priorities and objectives. Incumbent is typically delegated complete responsibility and authority to plan, schedule, and carry out major projects concerned with the analysis and evaluation of programs or organizational effectiveness. The supervisor provides administrative guidance solely in the form of general legislative, mission or policy direction. Incumbent has the highest degree of independence in seeking optimum solutions to problems. Completed work is broadly reviewed for adherence to mission or legislative direction and for assurance that broad policy or program objectives are fulfilled. Findings and recommendations are normally accepted without significant change.

Factor 3 – Guidelines

Level 3-5; 650 pts.

Guidelines consist of laws, regulations, and directives, Agency and OMS policies, basic administrative policy statements concerning the issue or problem being studied, and may include reference to pertinent legislative history, related court decisions, state and local laws, or policy initiatives of Agency management. The employee uses judgment and discretion in determining intent and in interpreting existing policy and guidance for use by others within and outside the organization. The employee is recognized as an expert in the development and/or interpretation of guidance on program planning and evaluation.

Factor 4 – Complexity

Level 4-6; 450 pts.

The work consists of the analysis of broad functions and processes which may affect all OMS operations. Plans, organizes, and completes analytical studies involving the substance of key Agency programs that will enhance the ability of OMS to implement programs and policies, measure their effectiveness and enact change to processes as necessary. There is extreme difficulty in identifying the nature of the issues or problems and in planning, organizing, and determining the scope and depth of the study. The nature and scope of issues are largely undefined. Difficulty is also encountered in separating the substantive nature of programs or issues into their components and determining the nature and magnitude of the interactions, and in discerning the intent of legislation and policy statements and determining how to translate the intent in program actions.

Factor 5 - Scope and Effect

Level 5-6; 450 pts.

Performs very broad and extensive work assignments related to Agency programs which are of significant interest to the public and Congress. The programs typically cut across or strongly influence a number of Agencies. In many cases, studies are of major importance to each of several Departments and Agencies, and there may be disagreements about which Department, Agency, or Region within EPA has primary responsibility for significant aspects of the

function. Studies frequently involve extensive problems of coordination in fact-finding and in reviewing and testing recommendations in interested Agencies or with outside groups. Recommendations involve highly significant program or policy matters and may have an impact on several Departments or Agencies and may result in substantial redirection of federal efforts or policy related to major national issues. Results of work are critical to the mission of the Agency or affect large numbers of people on a long-term, continuing basis.

Factor 6 - Personal Contacts

Level 6-4; 110 pts.

Personal contacts are with high-ranking officials both inside and outside of the Agency, including the highest levels of Agency leadership, professional and administrative personnel throughout EPA and Agency and Office stakeholders. Contacts are also with persons outside the Agency which may include Congressional contacts, political officials, consultants, contractors or business executives. Contacts include the head of the Agency, Regional and program officials at all managerial levels.

Factor 7 - Purpose of Contacts

Level 7-d; 220 pts.

The purpose of contacts is to justify, defend, negotiate, or settle matters involving significant or controversial matters including recommendations affecting major programs. Incumbent has responsibility to influence managers or other officials to accept and implement findings and recommendations. Contacts typically have diverse viewpoints, goals, or objectives requiring the employee to achieve a common understanding of the problem and a satisfactory solution by convincing them, arriving at a compromise, or developing suitable alternatives.

Factor 8 - Physical Demands

Level 8-1; 5 pts.

The work is primarily sedentary, although some light physical effort may be required.

Factor 9 - Work Environment

Level 9-1; 5 pts.

Work is typically performed in an adequately lighted and climate-controlled office. May require occasional travel.

TOTAL POINTS: 4090

GS-15 Grade Range: 4055 - up

POSITION RISK & SENSITIVITY DESIGNATION CHECKLIST

Position's Organization: OMS	
Position Title: Deputy Administrator for the Office of Mission and Support	
Pay Plan/Series/Grade (Full Performance Level): GS 15/6	
Service Agreement Number (SAN):	
Supervisor Name: Brock Terwilleger	Supervisor Phone Number: 202-564-4108
Supervisor Signature: BROCK TERWILLEGER Digitally signed by BROCK TERWILLEGER Date: 2020.08.06 09:09:37 -04'00'	

STANDARDIZED POSITIONS

Position Title
Select One

NON-STANDARDIZED POSITIONS

For All Non-Standardized positions, provide the following information:

1. Does the position require access or eligibility for access to classified information?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
--If Yes, Select--		
2. Does the position involve National Security duties?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
--If Yes, Select--		
3. Does the position involve fiduciary responsibilities/obligation or approval of funds?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
--If Yes, Select--		
4. Does the position involve public contact/interaction/liaison duties?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
<input checked="" type="checkbox"/> Federal Agency <input checked="" type="checkbox"/> Interest Groups <input checked="" type="checkbox"/> Agency <input checked="" type="checkbox"/> Local Agency <input type="checkbox"/> Tribal Government <input type="checkbox"/> Academia <input type="checkbox"/> Private Industry <input type="checkbox"/> State <input type="checkbox"/> Media <input type="checkbox"/> General Public		
5. Does the position involve access to or control over personal, private, sensitive but unclassified, controlled classified, or proprietary information?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
If Yes, Explain:		
6. Does the position require access to or control over hazardous or dangerous material (toxic, nuclear, biological, chemical, radiological)?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
If Yes, Explain:		
7. Does the incumbent make independent decisions or authoritative recommendations not subject to substantive verification or supervisory approval/sign off?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
If Yes, Explain:		

**Supervisors, GS-14 and above positions, and scientific/engineering positions are at least non-sensitive, moderate risk. Division Directors and Deputy Directors are at least non-sensitive, high risk. Criminal Investigator positions are always critical-sensitive, high risk.*

Position Designation Record

Agency ENVIRONMENTAL PROTECTION AGENCY
Supplemental Duty
Position Title Deputy Assistant Administrator for the Office of Mission Support
Position Description
Series and Grade/Pay Band GS-0340-15
Position Description Number EPGS20047
Designator's Name & Title Barbara Dangler, HR Specialist

Final Position Designation and Investigation

Sensitivity Level	Risk Level	Investigation	Form
Non-Sensitive	High Risk	Tier 4	SF 85P

Label	Points
Total Initial Position Designation Points from Step 2	45
Adjusted Position Designation Points from Step 3	60

Summary

National Security

No national Security Duties

Suitability

Duties	Degree of Potential for Compromise or Damage
Government operations – rulemaking, policy, and major program responsibility (includes regulation or policy making, directing, implementing, advising and audits)	Moderate impact One or more of the following: <ul style="list-style-type: none">• Mid-level management duties or assignments• Assists agency rule-makers or policy decision-makers for significant public trust government programs in an influential way• Responsible for independent or semi-independent action with moderate impact on efficiency and integrity of the service• Significant public contact about important government programs impacting the public's trust
Protection of personal, private, controlled unclassified, or proprietary information-with the potential to damage the public's trust (includes access to or	Moderate impact Access and control over personal, private, proprietary, or controlled unclassified information, the unauthorized disclosure of which could negatively impact the public's trust, through serious

Duties	Degree of Potential for Compromise or Damage
processing of personal information such as that protected by the Privacy Act (PA) of 1974, exempt from disclosure under the Freedom of Information Act (FOIA), financial data, or privileged information involving the award of contracts, contractor proprietary information, etc.)	damage/harm to: <ul style="list-style-type: none"> • The integrity or efficiency of the service • Individuals or business entities • Government programs or operations impacting the public's trust
Government service delivery, including customer service or public liaison duties	Moderate impact Duties involve customer service responsibilities and/or public liaison that could negatively impact the public's trust through moderate damage/harm to: <ul style="list-style-type: none"> • The integrity or efficiency of the service • Individuals or business entities • Government programs or operations impacting the public's trust

Adjustment for Scope of Program and Correlation to Extent of Impact

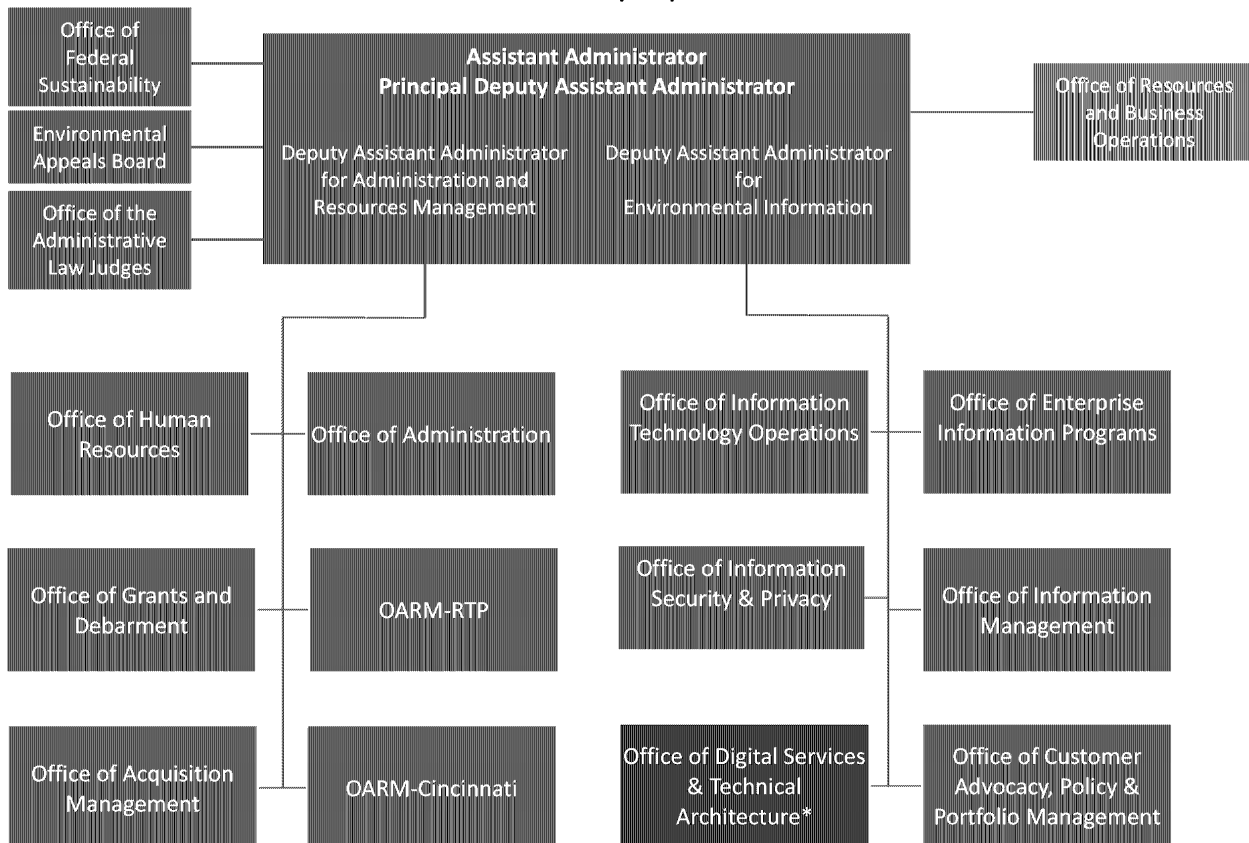
Program Scope and Impact	Impact
Adjustment for Scope of Program and Correlation to Extent of Impact	Multi-agency impact <ul style="list-style-type: none"> • Program operations affect more than one agency. Misconduct or damage would have potential to impact multiple government agencies, and/or the individuals or private entities affected by those agencies.
Level of Supervision	Ability to act independently
Adjustment for level of supervision or other controls	Limited or no supervision - ability to act independently in almost all areas almost all of the time <ul style="list-style-type: none"> • Occasional review from a perspective of major policy issues by a superior who likely has no relevant expertise in the technical aspects of the duties performed.

Designator's Name: Barbara Dangler, HR Specialist

Designator's Signature: Barbara E. Dangler Date: 8/11/20

Office of Mission Support

5/7/18



*Organizational functions currently being reassigned

NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle) ZECKMAN, DAVID A.					2. Social Security Number 041-82-7727		3. Date of Birth 10/27/1983		4. Effective Date 08/16/2020						
FIRST ACTION					SECOND ACTION										
5-A. Code 570		5-B. Nature of Action CONV TO EXC APPT			6-A. Code		6-B. Nature of Action								
5-C. Code Y7M		5-D. Legal Authority SCH C, 213.3318			6-C. Code		6-D. Legal Authority								
5-E. Code		5-F. Legal Authority			6-E. Code		6-F. Legal Authority								
7. FROM: Position Title and Number ASSOC DEPUTY ASSISTANT ADMIN FOR OMS H0000000 GS19041					15. TO: Position Title and Number DEPUTY ASSISTANT ADMIN FOR OMS H0000000 GS20047										
8. Pay Plan GS	9. Occ. Code 0340	10. Grade or Level 15	11. Step or Rate 02	12. Total Salary \$147458.00	13. Pay Basis PA	16. Pay Plan GS	17. Occ. Code 0340	18. Grade or Level 15	19. Step or Rate 06	20. Total Salary/Award \$166487.00	21. Pay Basis PA				
12A. Basic Pay \$113012.00		12B. Locality Adj. \$34446.00		12C. Adj. Basic Pay \$147458.00		12D. Other Pay \$0.00		20A. Basic Pay \$127596.00		20B. Locality Adj. \$38891.00		20C. Adj. Basic Pay \$166487.00		20D. Other Pay \$0.00	
14. Name and Location of Position's Organization EP00 ENVIRONMENTAL PROTECTION AGENCY OFFICE OF MISSION SUPPORT WASHINGTON,DC						22. Name and Location of Position's Organization EP00 ENVIRONMENTAL PROTECTION AGENCY OFFICE OF MISSION SUPPORT WASHINGTON,DC									
EMPLOYEE DATA															
23. Veterans Preference 1 1 - None 2 - 5-Point 3 - 10-Point/Disability 4 - 10-Point/Compensable 5 - 10-Point/Other 6 - 10-Point/Compensable/30%						24. Tenure 3 0 - None 1 - Permanent 2 - Conditional 3 - Indefinite			25. Agency Use		26. Veterans Preference for RIF YES X NO				
27. FEGLI C0 BASIC ONLY						28. Annuitant Indicator 9 NOT APPLICABLE			29. Pay Rate Determinant 0						
30. Retirement Plan KF FERS-FRAE & FICA				31. Service Comp. Date (Leave) 05/06/2019		32. Work Schedule F FULL-TIME			33. Part-Time Hours Per Biweekly Pay Period						
POSITION DATA															
34. Position Occupied 2 1 - Competitive Service 2 - Excepted Service 3 - SES General 4 - SES Career Reserved				35. FLSA Category E E - Exempt N - Nonexempt		36. Appropriation Code			37. Bargaining Unit Status 8888						
38. Duty Station Code 11-0010-001				39. Duty Station (City - County - State or Overseas Location) WASHINGTON,DISTRICT OF COLUMBIA											
40. Agency Data FUNC CLS 00		41. VET STAT X		42. EDUC LVL 13		43. SUPV STAT 4		44. POSITION SENSITIVITY HIGH RISK							
45. Remarks CREDITABLE MILITARY SERVICE: NONE PREVIOUS RETIREMENT COVERAGE: PREVIOUSLY COVERED EMPLOYEE IS AUTOMATICALLY COVERED UNDER FERS, FERS-RAE OR FERS-FRAE. THIS APPOINTMENT DOES NOT CONFER ELIGIBILITY TO BE NONCOMPETITIVELY CONVERTED TO A TERM, CAREER OR CAREER- CONDITIONAL APPOINTMENT IN THE COMPETITIVE SERVICE. APPOINTMENT IS INDEFINITE. OPF MAINTAINED BY US EPA, HRMD, MD-C639-02, RTP, NC 27711. POSITION IS AT THE FULL PERFORMANCE LEVEL OR BAND.															
46. Employing Department or Agency EP - ENVIRONMENTAL PROTECTIO						50. Signature/Authentication and Title of Approving Official 201739030 / ELECTRONICALLY SIGNED BY: JEREMY A. TAYLOR HUMAN RESOURCES OFFICER									
47. Agency Code EP00		48. Personnel Office ID 3216		49. Approval Date 08/16/2020											